

SPIRIT OF THE PRESS.

EDITORIAL OPINIONS OF THE LEADING JOURNALS
UPON CURRENT TOPICS—COMPILED EVERY
DAY FOR THE EVENING TELEGRAPH.

CANADIAN ANNEXATION.

From the N. Y. Sun.

The loyal subjects of Great Britain in Canada are generally resting under the delusion that their country is much coveted by their American neighbors, and that the latter are only waiting a pretext for attempting a forcible annexation of their territory to the United States. In this they are greatly mistaken. Our country is large enough for the present; in fact, it is too large to be well governed until we get an administration a good deal wiser than the one now in power. Nevertheless, annexation will finally be accomplished, and that result will come to pass mainly through the efforts of the Canadians themselves. Already there are many active and earnest advocates of annexation in Canada; and unless some extraordinary and unexpected change in the condition of the two countries should occur, the number of these must steadily increase. The reason for this state of things is very simple. In the United States business is brisk and remunerative, and the value of property of all kinds is constantly increasing; while on the other side of the line, with a very few local exceptions, trade is stagnant, labor is poorly paid, and real progress is almost unknown.

Nothing will more plainly show the difference in the actual condition of the inhabitants of Canada and the United States than a comparison of the state of affairs existing in places on each side of the line possessing similar natural advantages. Take Portland and Quebec, for instance. The former city was almost burned to the ground a few years ago; now it has been rebuilt with much more elegant and costly buildings than it previously possessed, and is one of the most thriving cities in America. Mechanics command high wages, and all life and prosperity. Quebec, on the other hand, is surrounded with very valuable water power which is not applied to any useful purposes, and has a direct trade with Europe, and every facility for an immense lumber trade. But the City is bankrupt; it cannot collect taxes enough to pay the interest on its debt. Business of every kind is dead; the mass of the people are miserably poor; there is but little demand for labor; and the industrial classes, when they find employment at all, are compelled to work at starvation prices. Ship carpenters in Quebec get from forty to sixty cents a day.

Just as marked a contrast is to be observed between the towns of Ogdensburg and Prescott, the first on the American and the other directly opposite. But the City is bankrupt; it cannot collect taxes enough to pay the interest on its debt. Business of every kind is dead; the mass of the people are miserably poor; there is but little demand for labor; and the industrial classes, when they find employment at all, are compelled to work at starvation prices. Ship carpenters in Quebec get from forty to sixty cents a day.

Now this state of things cannot last forever. The spirit of loyalty to the British Crown is strong in the average Canadian, but his inherited love of roast beef is stronger. Thousands of Canadians are emigrating to the United States every year; twenty-five hundred passed through St. Albans recently in a single week. Great numbers of Canadians flock to our manufacturing towns for employment during the winter months, many of whom return to Canada in the summer. Every one of these is a missionary in the cause of annexation. The office-holders, the pensioners of the British Government, and the wealthy traders who are gradually getting into their possession the lands and property of the poverty-stricken inhabitants, will continue intensely loyal; but the United States will soon have a wave of public opinion which it will be impossible for the loyalists to resist. In the mean time we can afford to watch the progress of events with entire equanimity.

ABSURDITIES IN OUR CRIMINAL COURTS.

From the N. Y. Tribune.

After several hours' deliberation, which we are compelled to suppose was serious and mature, but which we are disposed to suspect from the character of the jury was not profound, the jurors sitting in the Foster case were unable to reach any conclusion as to his guilt or innocence, or the degree of his offending. This hesitation in framing a verdict in a case where the facts of the murder were so clearly established and undisputed, and the malice and premeditation of the murderer so clearly apparent, would appear very remarkable but for two or three circumstances developed on the trial. Besides affecting this present issue, in which all New York is so deeply interested, these developments serve to illustrate some of the many absurdities of that jury system which was once the pride of the law and the palladium of liberty, but which corrupt practice in the courts has made a disgrace to the law and dangerous to the safety, if not the liberty, of the people. These remarks are applicable to dozens of other trials lately held in this community, and indeed to the common and corrupt practice now generally in vogue in this State.

In the first place, the court has gone deliberately to work to secure the most ignorant and negative characters possible as jurors to decide between this man and the people. Some have said that it does not follow that because a man happens, as these jurors profess, to be ignorant of the circumstances of this particular homicide, that they are lacking in general intelligence. But it does follow, as a very natural conclusion. The case was one of great atrocity; it was the talk of the

city for days; it was detailed at length in all the daily papers, and commented on for several days after its occurrence. To confess ignorance of the facts as told in the papers is to admit virtually that one does not read the daily journals habitually; and how many men of average intelligence, fit to sit facts from opinions and conjectures, able to decide upon right and wrong in matters of fact and law, neglect their daily journal? If we are to consider the Foster jurors men of average intelligence, the answer is about one in a hundred, for we believe somewhat more than one thousand citizens were summoned before the present jury was selected. The proportion is not flattering, certainly. If their order of intelligence was not shown to be low by the examination which they underwent, their decision of character was clearly proven. Not one of them answered the questions put to them with clearness and positiveness. They were certain only of their ignorance and impartiality. It is usually supposed that men of intelligence are less open to prejudices than ignorant ones; but the law, under present practices, constrains knowledge to include prejudice, and trusts its exposition to the most incapable whom it is possible to drum up. The prejudices of positive men are much to be dreaded, but who would not rather trust them, if honest and intelligent, than men of such negative dispositions that they side with the last artful lawyer who addresses them? The law which requires that jurors should be ignorant of the facts of the case to be brought before them does not demand that they should never have heard or read of it. They could not, perhaps, legally be jurors if personally cognizant of the facts, but the hearing and reading of them need not disqualify any man, for it is folly to suppose that an intelligent juror cannot separate in his mind the legal and valid testimony he hears on trial, and the narrative which he may have read in the papers. Certainly an unintelligent one could not; and, therefore, the greater reason for elevating the standard of jurymen, instead of lowering it, as the present legal practices tend.

Having selected the most ignorant jurors attainable, the next proceeding of the Court is to mystify and confound them as much as possible. They are chosen at random; they are generally as ignorant of law as of fact, and have to depend for the former on the Court as completely as on the witnesses for the latter. A long course of legal study is deemed necessary to qualify a judge to administer the law in matters of property merely; but twelve men without special legal training, and sometimes without a good common-school education, are supposed to be competent, after once hearing the law stated, to dispense justice in matters of life and death. This seems the height of absurdity; and it would seem, skilful lawyers consider it, for they never fail to complicate their weakest causes by obtaining a multiplicity of charges by the Court. For instance, the facts were plainly put before the jury in the Foster case. There was no chance to distort them; and few men with common sense and that intuitive knowledge of justice possessed by all persons have ignorant of law, would have long hesitated over them. But the skilful counsel of the prisoner submitted to the judge, and through him the jury were charged upon, not less than twenty-three points of law. In many of these the nice distinctions between what is law and what is not were stated after a style which would have puzzled the best read lawyer in Judge Cardozo's Court, and must inevitably have confused any man of average intelligence unaided in criminal law. We have nothing to say at this time of the character of these charges. It is sufficiently to our purpose that their number alone would have confused, as they seem to have done this jury, any dozen men compelled to consider them only from recollection after one hearing.

It cannot be concealed from those who have watched this Foster trial closely that these practices of selecting and then confusing jurors which have gradually grown up in the New York courts have been employed to save this assassin from the doom which the law fixes for murder. They may have been employed to no purpose, and we do not mean by these remarks to imply any impropriety on the part of the counsel who have used means which past practices have warranted, but cannot justify. It is the practices themselves, not those who employ them, that we condemn. It has become a serious question, in view of the possible and probable escape of this murderer upon what we cannot consider as better than legal quibbles, as to where these practices are to lead us in the administration of law and justice; and the sooner it is answered the better for justice and society.

THE PENNSYLVANIA DEMOCRACY—“THE CONSTITUTION AS IT IS.”

From the N. Y. World.

It gives us great satisfaction to call attention to the resolutions passed by the Democratic State Convention of Pennsylvania. They are in the same excellent tone as the resolutions of the Kentucky Democracy, and furnish another refutation of the libellous prediction of Senator Morton relating to the Democratic platform in 1872. According to recent indications the Democracy of Ohio will take the same ground with even greater frankness and emphasis, and the New York Democracy has stood on it since the fifteenth amendment was finally proclaimed adopted. It will thus be seen that the Democratic party in the four most important, populous, and wealthy States of the Union bury dead issues; and the party to borrow a Scriptural expression, is about to “renew its strength like eagles.” There are signs from every part of the country, North and South, that the whole Democracy is resuming the progressive spirit which characterized it in the palmy days of its supremacy.

While all of the Pennsylvania resolutions (except that on the tariff) are good, two of them are eminently satisfactory. We refer to that denouncing any repudiation, direct or indirect, of the public debt; and that accepting the Constitution as it stands, now amended and all. The latter occasioned some debate in the convention, but it was adopted by a handsome majority. We regard this as a crowning victory of the progressive tendency, and the final burial of that dead issue. We feel safe in predicting that it will never be debated again in any assembly of Democrats, and that from this time forward the whole party will unanimously accept the situation.

A PARTY WITHOUT PRINCIPLES.

From the N. Y. Times.

No intelligent man can have followed the discussions which have been going on in Democratic circles during the past few months, without perceiving very clearly that the party is still in a state of chaos. It has neither leaders nor a policy. The only solid ground it had was cut from under its feet by the Rebellion, and since then it has been merely struggling from one morass to

another. It can now do nothing but hover on the outskirts of the Republican camp, and make “demonstrations” against it which end in renewed disappointments. There is nothing like unanimity in the party upon any one point. When one of its spokesmen delivers an opinion, his voice is instantly drowned in a wild tumult of contradictions. Indeed, the Democrats have been much more indebted to disappointed Republicans lately than to their own regular supporters. Senator Sumner has proved a more useful ally to them than any one of their recognized advisers. The reason is that they have no ideas of their own which have the faintest chance of being acceptable to the people, and therefore they are playing the game which some people describe as waiting upon Providence. They can originate nothing themselves, but they hope they may gain some advantage from the mistakes of their opponents. They are groping in the dark for a policy, and eagerly clutch at the hands of men like Senator Sumner, on the desperate chance that they may be led by an accident to find something which will suit them.

The general issue upon which they fall back, upon special issues fall them, is that the “Constitution has been strained.” Now, supposing that to be the fact, which party is responsible for it? In revolutionary times all constitutions, written or unwritten, are very likely to be severely strained, and the fact which precipitated the strife is generally held accountable for any subsequent vicissitudes. It is a spectacle not without its ludicrous side to behold the Democrats, who tried to tear the Constitution into a thousand pieces, complaining now that the men who preserved it are straining some of its provisions, and that they, the Democrats, cannot bear to see it strained. Why was not this anxiety displayed a few years ago? What would there be left of the Constitution to-day, or of the Government which was founded on it, or of the people who obeyed it, if the Democrats could have had their will in 1861? It is wonderful what reverence they possess for that instrument now. They are ready to fall down and worship it. The World, for instance, falls into a kind of religious ecstasy over its peculiar readings of the document every other day, yet the World did all that it could to assist the party now proposed to dissolve the United States, and construct two separate Governments out of the fragments. It tried then to make out that this project was in harmony with the Constitution, just as it now endeavors to prove that the party which saved the Constitution is acting in violation of its principles. Mr. John Q. Adams, who is an able man, and not a trickster or a dreamer, appreciates the true position of the two parties in relation to the Constitution with perfect accuracy. He is too keen a man not to see, and too candid a man not to acknowledge, that the secessionists alone menaced the existence of the Constitution. “The Constitution was struck down,” he says in his recent letter, “by the assault upon Sumner, as all constitutions must necessarily fall before the face of the supreme arbitrament of war. It can never be lifted up while war is flagrant. The people will never resign the attitude of hostile vigilance, which is the real significance of the present administration, until they know that no one of their war trophies is longer disputed.”

These are the words of a thoughtful man, having a soul within him nobler than that of any mere party hack; and they are much better entitled to attention than anything which has recently appeared in Democratic journals hereabouts. These two words, “hostile vigilance,” in themselves express a policy—and it is a policy of which the Republicans are proud. The Democrats have constantly proved the need which exists of continued unfavorable vigilance, and the Republicans would desert the execution of history, notwithstanding all their past services, if they now allowed the enemy to recover the main part of what they have lost. We have a policy to abide by, and no one who has eyes and will use them can fail to realize its importance. Is it to the Democrats that the country would be willing to commit the care of the Constitution—those very Democrats who so recently were forcibly withheld from utterly abolishing it? Do we ask the burglar whom we have caught entering the window at night to come in and guard our property while we return to our slumbers?

But, says another Democratic journal, you are investing the President with “imperial power,” we shall soon have “no Constitution left,” “the Empire is imminent.” No one has hitherto supposed that the Executive branch of the Government gained much by the “strains” put upon the Constitution. Some people have watched the legislative branch with more uneasiness—but to talk of an Empire being at hand is like the ravings of men whose minds are a little disordered. The Ku-klux bill, upon which this terrible alarm is raised, is probably the last of all the measures necessitated by the Democratic revolution, and it is a measure which cannot be put in force until disorders have broken out in a State, so serious and so formidable that the Governor of that State will be obliged to declare his inability to suppress them. It is a measure for preserving social order, without which all governments are an idle name. To found on such a bill as this the cry that you have made the republic an empire is to the last degree absurd. Sensible Democrats who disapprove of the bill do not believe that it makes the President an Emperor. Mr. Adams says nothing of that kind. The general rest of all is that the Democrats are not or cannot declare their policy, but are obliged to fall back on vague talk about the “Constitution,” while the Republicans are determined not to allow any more armed insurrections to arise for the purpose of subverting that Constitution. This is a policy good enough for Republicans at present, so far as purely national politics are concerned.

THE PROSPECT OF A CORDIAL UNDERSTANDING WITH AMERICA.

From the London Spectator.

We have at length the text of the Washington Treaty, or at least of the most important part of it—so far as it recites the principles agreed upon by the Anglo-American Commissioners for the settlement of our chief disputes with that country—and we have great reason to hope that the conditions will stand on a cordial understanding between the two countries. To our minds the Foreign Office deserves great credit for having agreed to conditions so frank and explicit—conditions involving no kind of humiliation, indeed, as we hold, singularly just and wise, and yet involving enough sacrifice of pride, as it will probably seem to some, to demand some effort and a good deal of the truest kind of self-respect. In the first place, the British Government, through its commissioners, has frankly expressed regret at the occurrence of the incidents complained of by the United States. This was certainly both courageous and wise.

It does not in any sense prejudice the question of our responsibility for the escape of the Confederate cruisers from British ports, for it is obvious that it is quite competent to us, or anybody else, to regret, and regret very heartily, events which it would also have been quite impossible to prevent. Nor does such an expression of regret seem to be in any degree a gratuitous and forced deviation from the natural line of conduct appropriate for a great State, even granting that we were really quite without responsibility for any of these events. For our Foreign Enlistment act was and is a declaration on our part that it is a part of the true purpose and policy of England to prevent, so far as possible, exactly the class of events for which we have now expressed regret; and it can never be unworthy even of the greatest power to declare her sorrow that she has not succeeded in doing effectively what her law requires her to do at all. What is more, we, at least, have always asserted that it was as great a misfortune for England as for the United States that cruisers continued to escape from English ports and so greatly annoyed the commerce of belligerent power. That was a precedent which it is quite certain would be followed, and followed at great cost to ourselves, whenever we may be at war again; and the more completely we may have succeeded in demonstrating now that no precautions which we could have taken could have been successful, the more completely shall we be confuted out of our own mouths in complaining, then, that cruisers intended to prey upon our commerce should have been permitted by other powers to escape from their ports. This will not, therefore, be on our part a mere expression of dissatisfied regret that the one of our most important municipal laws should have proved inefficient; it will be a fresh argument in our mouths to prove that we have a fair right to demand from any other neutral the same evidence of sincerity of purpose which we have thus ourselves given. While we maintain, then, that such an expression of regret was not only legitimate and dignified, but even defensible on the lowest, because the most self-interested, motive, we should also contend that there is a fitness in any act which will, without insincerity or compromise of our rights, assume to the mind of the people of the United States the form of an apology. An apology, no doubt, seems to imply some thing of responsibility and culpability, some consciousness of a fault of omission if not of commission; and, as we have shown, the question of responsibility is really not involved in what our commissioners have said, and may be decided by the arbitrators to whom it is to be referred entirely in our favor. Still, however that may be, nobody can deny that there was enough of carelessness about the conduct of Government in relation to the escape of these cruisers, and enough of loudly-expressed claim of responsibility on the part of the American national cause, to afford a popular justification for the intense irritation felt in the United States; and therefore it seems to us quite right that in relation to any purely formal issue between us, we should even strain a point to decide against ourselves and in their favor. Supposing it were a question between expressing regret at the risk of regret being misinterpreted by the American people to mean self-reproach, and not expressing regret at the risk of that reluctance being misinterpreted by the American people to mean entire indifference to the mischiefs caused by the escape of the cruisers, we think we were bound in candor and honor to run the first risk rather than the second; for self-reproach ought certainly to be less foreign to us in this matter than pure indifference. We conclude, therefore, that in relation to the point most likely to excite unfavorable comment—the frank expression of regret by our commissioners at what occurred—our Government have shown courage and wisdom, and taken the only course likely to heal the wound completely, by sacrificing all unworthy pride and reserve.

On all the other points, the solution arrived at by the commission seems to us quite unexceptionable. For the actual adjudication of the Alabama claims, a commission of five persons, one appointed by the British and one by the American Government, and the three others by the King of Italy, the President of the Swiss Confederation, and the Emperor of Brazil, is to be appointed, with power either to divide finally for themselves on the question of damages in a lump sum, or to refer the details of such damages to a Board of Assessors sitting in the United States, of whom one is to be appointed by the President, one by the Queen, and one by the Italian Envoy in Washington. The principle agreed on for the assessment of damages is contained in the following very important passage of the treaty:

“A neutral Government is bound (1) to use due diligence to prevent the fitting out, arming, or equipping within its jurisdiction of any vessel which it has reasonable cause to believe is intended to cruise or to carry on war against a power with which it is at peace, and also to use like diligence to prevent the departure from its ports or waters of any vessel which it has reasonable cause to believe is intended to cruise or to carry on war as above, such vessel having been specially adapted in whole or in part to service of war; (2) to prevent the use of its ports or waters as the base of naval operations against the other, or for the purpose of renewal or augmentation of military supplies, arms, or recruitment of men; (3) to exercise due diligence in its own ports and waters, and as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties. Her Britannic Majesty has commanded her commissioners to declare her Government cannot assent to the foregoing rules as a statement of the principles of international law which were in force at the time when the claims arose; but in order to evince a desire of conciliation, and to promote the settlement of the future, her Government agrees that in deciding questions arising out of these claims the arbitrators shall assume the Government had undertaken to act upon principles set forth in these rules. The contracting parties agree to observe these rules before the arbitrators, and to bring them to the knowledge of other maritime powers, inviting them to accede to them.”

This solution of the difficulty we regard with the most unfeigned satisfaction. On the one hand, no one who had looked into the actual principles recognized by the practice of nations. On the other hand, no one could deny the enormous desirability that any nation should possess of a great commercial marine should get such principles as these acknowledged for the future. It seemed too likely that in contending for our own undeniable rights in the past, we might be injuring most seriously our prospects for the future. By the concession now made we have avoided this most dangerous error, and secured ourselves, as far as possible, from any retaliation by the United States for the raids of the Alabama and her consorts. At the same time, we think it most likely that under the terms now agreed upon—the recognition that it was our duty to use “diligence,” not “utmost diligence,” as has been reported—it will be hard pressed to prove our responsibility for the escape of any one of the cruisers except the Alabama alone.

On the whole, we congratulate Lord Granville on having taken a bold and a most important step towards a genuine understanding with the United States—a power with whom any grave misunderstanding of ours must be pure and unalloyed evil, a source of bitterness between kindred, a chronic danger of the worst kind to both peoples, a stimulus to disaffection in Ireland, a stroke of paralysis to England in Europe; in short, an accumulation of all sorts of dangers, without a single counterbalancing good. It is the first principle of a healthy foreign policy for England to have a cordial understanding with America. All our common political objects are akin; we have much to learn from America, America has much to learn from us, and all experience has proved that when the attitude of the two peoples is hostile, instead of learning from each other, we are too apt to reap lessons backwards. Nor is it possible for England to exercise the wholesome and pacific influence which she naturally possesses in Europe without being relieved from all anxiety concerning America. Even now there are rumors of the restlessness of Russia—of her wish to attack Austria while conciliating Turkey, if so be that Germany and England would permit—which, if there be any truth in them, must make our Foreign Office extremely anxious. Austria once fairly beaten, the road to Constantinople would be open to Russia, and this nobody understands better than English diplomatists. Yet even if these rumors were true, we could not use our influence to any purpose to restrain Russia, while America is ready to seize the moment of our weakness to demand what terms she will at the point of the sword. A sound foreign policy for England must always rest on the basis of a hearty alliance, if not co-operation with America; and to obtain this, therefore, at any honorable price, should be the first object of English statesmanship.

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